

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION INTO ALLEGED UNAUTHORIZED	)	
ACTIVITY OF NCN COMMUNICATIONS, INC.,	)	
NATIONAL COMMUNICATIONS NETWORK, AND ATS	)	
COMMUNICATIONS, INC.	)	CASE NO.
	)	90-176
	)	
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	)	
ALLEGED VIOLATIONS OF KRS CHAPTER 278	)	

O R D E R

IT IS ORDERED that National Communications Network ("NCN") shall file the original and 12 copies of the following information with the Commission, with a copy to all parties of record no later than 30 days from the date of this Order. If the information cannot be provided by that date, NCN should submit a motion for an extension of time stating the reason a delay is necessary and include a date by which it will be furnished. Such motion will be considered by the Commission. NCN shall furnish with each response the name of the witness who will be available at the public hearing for responding to questions concerning each item of information requested.

1. In the responses to questions received by this Commission on September 17, 1990, NCN stated in Item 6 that NCN has ceased provision of intrastate service for compensation and only provides service for compensation which is under FCC

jurisdiction. How has this been accomplished? Has NCN provided intrastate service for which it neither requested nor received any compensation? If so, provide the call detail which would enable the Commission to determine the volume of intrastate service rendered by NCN for which no compensation was received by NCN.

2. In Item 14 of the responses received by the Commission on September 17, 1990, you make the statement, "NCN has taken every precaution and believes that none of the 690 [customers] were billed for intrastate usage." Describe in detail the precautions taken by NCN and the basis for NCN's belief that none of these customers were billed for intrastate usage. Does intrastate include intraLATA and local calls? If any customers have ever been billed for any intrastate usage, provide the call detail which will enable the Commission to determine the intrastate service by NCN for compensation.

3. Provide an explanation for the increase in Kentucky customers from 209 to 690 in one month referred to in Item 14.

4. When NCN uses the services of other carriers such as MCI, does the local exchange carrier serving the area where the NCN customer is located view these calls as ones from NCN or MCI? Explain in detail how the LEC makes this determination.

5. Provide names and address listings of NCN customers or applicants from Kentucky.

6. Describe in detail the information which is contained in NCN's billing records. Is it possible to isolate Kentucky specific intrastate calls from the billing record information?

7. Provide all available information concerning the call detail of NCN customers in Kentucky. Is it possible for you to identify calls as intraLATA, interLATA, or local? If so, provide this information and explain how this is done. If no, how can jurisdictional calls be rates?

8. Identify the carriers and the services that have been used by NCN to provide Kentucky intrastate services.

Having been otherwise sufficiently advised and having reviewed the information in the record, the Commission FURTHER ORDERS that:

1. NCN appear at the Commission's offices on February 5, 1991, at 10:00 a.m., Eastern Standard Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky, to show cause why it should not be penalized pursuant to KRS 278.990 for failing to comply with KRS 278.160 or required to refund all monies collected for the provision of intrastate services or both.

2. In the alternative to appearing at the hearing, NCN may file a plan for refunding all monies collected from its customers for Kentucky intrastate services.

Done at Frankfort, Kentucky, this 21st day of November, 1990.

ATTEST:

PUBLIC SERVICE COMMISSION

  
Executive Director

  
For the Commission